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Nov. 5, 1992

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By

Denise Schayer

CGNE-69-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Thompson, et al.
Serial No. 07/762,762
Filed: September 16, 1991
For: PLANT DESATURASES -
COMPOSITIONS AND USES

Examiner: P. Moody

Art Unit: 1804

TRANSMITTAL LETTER

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NOV 23 1992

GROUP 180

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

Dear Sir:

Enclosed is a response to the outstanding Restriction Requirement mailed October 9, 1992, in the above-identified application.

A conditional petition for an Extension of Time is requested to provide for the timely filing if an extension of time is required after all papers filed with this transmittal have been considered.

The Commissioner is further authorized to charge any amount relating to the attached communications including any necessary fees for an extension of time, or credit any overpayment to Deposit Account No. 03-0173.

Respectfully submitted,

Donna E. Scherer

Donna E. Scherer
Reg. No. 34,719

CALGENE, INC.
1920 Fifth Street
Davis, CA 95616
(916) 753-6313

enclosure: Response



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By

James Schaefer

CGNE-69-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)
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For: PLANT DESATURASES -)
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Examiner: P. Moody
Art Unit: 1804
RESPONSE UNDER
37 CFR § 1.143

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

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Sir:

Responsive to the Restriction Requirement mailed October 9, 1992 in the above referenced patent application, Applicants elect Group II, Claims 18-26 and 33-41. This election is without traverse.

In response to the requirement to elect a single species from those disclosed in Group II, Applicants elect the triglyceride acyl fatty acid species (c). The elected claims which read on this species are the generic Claims 18, 21 and 26, and Claims 22 and 33-41.

In addition, Applicants were requested to elect a single subspecies from those disclosed in the elected species (c). Applicants elect subspecies (c2) directed to enzyme inhibition. The claims of elected species (c) which read on

this subspecies are the generic Claims 22, 33, 36-37 and 41, and Claim 35.

Applicants note the Examiner's holding that the nonelected species and subspecies are patentably distinct from the elected species and subspecies. Applicants request reconsideration of the withdrawal of the nonelected claims upon the finding of allowable linking generic claims. It is to be understood that to the extent that any claim is allowed in this case, applicants traverse this requirement to the extent that there is no holding on the record that all nonelected subject matter is patentably distinct from such allowed subject matter.

Respectfully submitted,

Donna E. Scherer

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